

[AS REPORTED FROM THE LANDS AND AGRICULTURE
COMMITTEE]

House of Representatives, 28 September 1976

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr V. S. Young

FORESTS AMENDMENT

ANALYSIS

Title	PART IIA
1. Short Title	USE OF STATE FOREST LAND FOR PUBLIC RECREATION
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3. Delegation of Minister's powers	63B. Establishment of State forest parks
4. Functions of Forest Service	63C. Management plans for State forest parks
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6. Exchanges of land and forest produce	63E. Wilderness areas
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8. Production of licences on demand	63G. Offences
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A BILL INTITULED

An Act to amend the Forests Act 1949

BE IT ENACTED by the General Assembly of New Zealand
in Parliament assembled, and by the authority of the same,
5 as follows:

No. 28—2

1. **Short Title**—This Act may be cited as the Forests Amendment Act 1976, and shall be read together with and deemed part of the Forests Act 1949* (hereinafter referred to as the principal Act).

2. **Interpretation**—(1) Section 2 of the principal Act is hereby amended by inserting, in the appropriate alphabetical order, the following definitions: 5

“ ‘Aircraft’ has the same meaning as in section 2 of the Civil Aviation Act 1964:

“ ‘Animal’ means any living stage of any member of the animal kingdom except human beings; and includes the eggs and the whole or any part of the carcass of any such member: 10

“ ‘Firearm’ means any gun, rifle, or air gun; and includes any kind of weapon or device from which any shot, bullet, arrow, spear, stone, noxious or poisonous substance, or other missile can be discharged in the air or water: 15

“ ‘Hunt or kill’, in relation to any wildlife, includes the hunting, killing, taking, poisoning, tranquillising, trapping, or capturing of any wildlife by any means; and also includes pursuing, disturbing, or molesting any wildlife, and taking or using a firearm, dog, vehicle, boat, or aircraft, or like method to hunt or kill wildlife, whether this results in killing or capturing or not; and also includes every attempt to hunt or kill wildlife and every act of assistance of any other person to hunt or kill wildlife: 20 25

“ ‘Indigenous State forest land’ means State forest land wholly or predominantly under the cover of flora native to New Zealand; and includes all unvegetated mountain tops and the banks and beds of all rivers, streams, and other water courses or of lakes and tarns within such State forest land: 30

“ ‘Vehicle’ means any wheeled or tracked device or hovercraft capable of carrying a person or persons, whether or not it is powered by an internal combustion engine: 35

“ ‘Vessel’ has the same meaning as in section 2 of the Harbours Act 1950: 40

“ ‘Wildlife’ means all animals that are living in a wild state.”

*Reprinted 1969, Vol. 2, p. 1455

Amendments: 1970, No. 62; 1971, No. 99; 1972, No. 60; 1973, No. 122

(2) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “working plan”, and inserting, after the definition of the term “indigenous State forest land” (as inserted by subsection (1)

5 of this section), the following definition:

“‘Management plan’ means a detailed written scheme of the operations to be undertaken on a specified area of forest land.”.

10 (3) The principal Act is hereby consequentially amended—
(a) By omitting from section 26 (1) the words “working plans”, and substituting the words “management plans”:

15 (b) By omitting from section 26 the words “working plan”, wherever they occur, and substituting in each case the words “management plan”.

3. Delegation of Minister’s powers—Section 4 (1) of the principal Act is hereby amended by inserting, after the words “Forest Service”, the words “or to any honorary ranger”.

20 **4. Functions of Forest Service**—Section 14 of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

25 “(a) All State forest land to ensure the balanced use of such land, having regard to the production of timber or other forest produce, the protection of the land and vegetation, water and soil management, the protection of indigenous flora and fauna, and recreational, educational, historical, cultural, scenic, aesthetic, amenity, and scientific purposes.”.

30 **5. Powers of Minister, etc.**—(1) Section 15 (1) of the principal Act is hereby amended by repealing paragraphs (a) and (b), and substituting the following paragraphs:

35 “(a) Undertake surveys, including surveys necessary for the demarcation or zoning of land or forests, management plans, land utilisation, water and soil management, timber assessment, animal control, ecological purposes, recreational purposes, and any other purposes related to this Act:

“(b) Consistent with the object of the balanced use of State forest land, acquire, use, or develop land for—

“(i) The establishment, culture, growth, protection, maintenance, or management of trees and other plants:

“(ii) Utilisation of forest produce: 5

“(iii) Administrative, industrial, residential, or storage purposes in connection with other State forest land or forest produce:

“(iv) Quarantine grounds or quarantine depots:

“(v) Providing access to State forest land:

“(vi) Carrying on farming operations incidental to the management and operation of State forest land: 10

“(vii) The management of water:

“(viii) The management of soil, including sand fixation: 15

“(ix) The protection of (*native wildlife or*) the natural environment and native wildlife:

“(x) Scientific purposes, including, but not exclusively, (*biological*), ecological, geological and archaeological purposes: 20

“(xi) Research purposes:

“(xii) Educational, historical, recreational, cultural, scenic, aesthetic, or amenity purposes:

“(xiii) The establishment, management, and protection of areas for public recreation pursuant to Part IIA of this Act: 25

“(xiv) Public utilities, including refuse disposal:

“(xv) Any other purposes for which land may be acquired, used, or developed pursuant to this Act:” 30

(2) Section 15 (1) (ba) of the principal Act (as inserted by section 2 of the Forests Amendment Act 1973) is hereby amended by omitting the words “the Minister may acquire, use, and develop land pursuant to paragraph (b) of this subsection”, and substituting the words “land may be acquired, used, or developed pursuant to this Act”. 35

(3) Section 15 (1) (ba) of the principal Act (as so inserted) is hereby further amended by repealing subparagraph (ii), and substituting the following subparagraph:

“(ii) Shall be known by the name or description ascribed to it in the notice; and” 40

(4) Section 15 (1) of the principal Act is hereby further amended by adding, after paragraph (h), the following paragraph:

“(i) From time to time prescribe forms for any purpose required by this Act, and may modify or revoke any such form.” 45

(5) Section 15 (2) (e) of the principal Act is hereby amended by inserting, after the words "such rates", the words "or such other consideration".

5 (6) Section 15 of the principal Act is hereby further amended by inserting, after subsection (4), the following subsections:

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10 " (4A) Before any State forest land is set apart as a forest sanctuary under section 20 of this Act or as a wilderness area under section 63E of this Act, the Minister shall give to the Minister of Mines not less than one month's notice of the intention to set apart that State forest land.

New

15 " (4A) Before any State forest land is set apart as a forest sanctuary under section 20 of this Act or as a wilderness area under section 63E of the Act, the Minister shall—

20 " (a) Cause a notice to be published to this effect in some newspaper circulating in the district, and in each of 4 daily newspapers, one of which shall be published in Auckland, one in Wellington, one in Christchurch, and one in Dunedin, giving notice of the intention to set apart that State forest land and calling on any person or organisation to set forth in writing any objections to the proposed setting apart, and the grounds for the objections, and to send the written objections to the Minister within 3 months after the date of the first publication of the notice; and

30 " (b) Give to the Minister of Mines not less than 3 months notice of the intention to set apart that State forest land.

35 " (4B) The Minister may from time to time authorise any Authority set up under section 72 (1) (ua) of this Act to delegate such of its powers as may be approved by the Minister.

New

40 **5A. Forest sanctuaries**—Section 20 of the principal Act is hereby amended by adding, after subsection (3), the following subsection:

" (4) Before any proposal that a Proclamation under this section be revoked or that any area included in a forest sanctuary be excluded therefrom is considered, the Minister shall cause a notice to be published in some newspaper circulating in the district and at least once in each of 4 daily

New

newspapers, one of which shall be published in Auckland, one in Wellington, one in Christchurch, and one in Dunedin, and calling on any person or organisation to set forth in writing any objections to the proposal and the grounds for the objections, and to send the written objections to the Minister within 3 months after the date of the first publication of the notice. The Minister shall give full consideration to all such objections that are duly made under this subsection.”

6. Exchanges of land and forest produce—Section 22 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) It shall be lawful for the Minister, whenever he deems it expedient in the public interest to do so and he is satisfied that it (*is not prejudicial to forestry*) promotes the balanced use of forests, to transfer the fee simple of any area of State forest land or to grant any other estate or interest in State forest land or to grant any right in forest produce in exchange for the fee simple or any other estate or interest in any other land or any right in forest produce, and on any such exchange to pay or receive any sum by way of equality of exchange:

“Provided that nothing in this section shall derogate from the provisions of Part XXI of the Maori Affairs Act 1953.”

New

6A. Management plans—Section 26 of the principal Act (as amended by section 2 (3) of this Act) is hereby further amended by adding, after subsection (4), the following subsection:

“(5) The Minister may make public any management plan or any part of any management plan or any proposals leading to a management plan and may cause a notice to be published in some newspaper circulating in the district, and at least once in each of 4 daily newspapers, one of which shall be published in Auckland, one in Wellington, one in Christchurch, and one in Dunedin stating where and at what times a copy of the management plan or the part of the management plan or the proposals is open for inspection and specifying the time during which any person or organisation may make written submissions thereon to the Minister:

“Provided that before the Minister approves any management plan he shall give full consideration to all submissions in respect thereof that are duly made under this subsection.”

7. Leases—Section 32 of the principal Act is hereby amended by repealing the proviso to subsection (2) (aa) (as inserted by section 3 (1) of the Forest Amendment Act (1946) 1964 and subsection (3).

5 **8. Production of licences on demand**—Section 41 (3) of the principal Act is hereby amended by omitting the expression “\$40” (as substituted by section 7 of the Decimal Currency Act 1964), and substituting the expression “\$100”.

10 **9. Seizure of forest produce**—(1) Section 43 (6) of the principal Act is hereby amended by omitting the expression “\$100” (as substituted by section 7 of the Decimal Currency Act 1964), and substituting the expression “\$300”.

(2) Section 43 of the principal Act is hereby further amended by adding, after subsection (6) (as amended by

15 subsection (1) of this section), the following subsection:
“(7) For the purposes of this section and sections 44 and 45 of this Act, the expression ‘forest produce’ includes animals and the whole or part of the carcasses of animals.”

20 **10. False entries or returns**—Section 54 of the principal Act is hereby amended by omitting the expression “\$200” (as substituted by section 7 of the Decimal Currency Act 1964), and substituting the expression “\$500”.

11. Unlawful cutting or removing of forest produce—Section 55 (1) of the principal Act is hereby amended by

25 omitting the expression “\$200” (as substituted by section 7 of the Decimal Currency Act 1964), and substituting the expression “\$500”.

12. Unlawful interference with property of Crown—Section 56 of the principal Act is hereby amended by omitting the

30 expression “\$100” (as substituted by section 7 of the Decimal Currency Act 1964) and substituting the expression “\$300”.

13. Offences with respect to State forest land and wildlife thereon—(1) Section 57 of the principal Act is hereby amended—

35 (a) By omitting the expression “\$100” (as substituted by section 7 of the Decimal Currency Act 1964), and substituting the expression “\$300”;

(b) By omitting from paragraph (a) the words “animal or birds”, and substituting the word “wildlife”.

(2) Section 57 of the principal Act is hereby further amended by repealing paragraph (f) (as amended by section 4 of the Forests Amendment Act 1965), and substituting the following paragraph:

“(f) Enters any State forest land, not being land to which he has a right of entry pursuant to Part IIA of this Act or a notice given by the Minister pursuant to section 15 (1) (ba) of this Act; or” 5

(3) Section 57 of the principal Act is hereby further amended by adding, after paragraph (f) (as substituted by subsection (2) of this section), the following paragraphs: 10

“(g) Enters any State forest land with a firearm or any explosive or *(pyrotechnic substance)* firework or incendiary cartridge; or

“(h) Discharges a firearm from any place, vehicle, vessel, aircraft, or hovercraft within, into, or across any State forest land or ignites or activates any explosive or *(pyrotechnic substance)* firework or incendiary cartridge on any such land; or 15

“(i) Drops, lays, spreads, or applies or causes to be dropped, laid, spread, or applied any poison or poisonous substance on State forest land; or 20

“(j) Fails to remove or render harmless any poison or poisonous substance that he has dropped, laid, spread, or applied, or caused to be dropped, laid, spread, or applied, on State forest land on the expiration of a permit issued to him for any purpose; or 25

“(k) Captures, takes, or removes any animal *(or the whole or any part of the carcass thereof)* from any State forest land; or 30

“(l) Fails to allow a constable or Forest Officer, in the exercise of his duty, to inspect any firearm in his possession for the purposes of ascertaining the make, type, serial numbers, or other particulars relating to the firearm, or who refuses to surrender the firearm to the constable or Forest Officer when called upon to do so.” 35

(4) The Forests Amendment Act 1965 is hereby consequentially amended by repealing section 4. 40

14. Other offences—(1) Section 60 of the principal Act is hereby amended—

(a) By inserting in paragraph (b), after the words “Forest Officers”, the words “or honorary rangers”: 45

(b) By inserting in paragraph (j), after the words "Forest Officer," the words "honorary ranger,".

(2) Section 60 of the principal Act is hereby further amended by adding, after paragraph (j) (as amended by subsection (1) (b) of this section), the following paragraphs:

5 "(k) Without lawful authority enters any State forest land accompanied by any cat, dog, or horse or takes or causes to be taken any vehicle, vessel, or hovercraft on to any State forest land or lands any aircraft on State forest land or causes any aircraft to hover over any State forest land for the purpose of picking up or dropping any person, animal or thing:

Struck Out

15 "(l) Without lawful authority uses any artificial light for the purpose of hunting any animal on any State forest land:

New

20 "(l) Without lawful authority discharges any firearm during the hours of darkness on any State forest land:

"(m) Fails to obey any sign, notice, poster, or any lawful directions issued by any Forest Officer:

Struck Out

25 "(n) Abandons or leaves any rubbish, litter, polluting or offensive matter, offal or parts of the carcass of any animal, any vehicle or parts thereof, or any other refuse liable to prove offensive or to interfere with the proper use and management of the State forest land:

New

35 "(n) Abandons or leaves any rubbish, litter, polluting or offensive matter, any vehicle or parts thereof, or any other refuse liable to prove offensive or to interfere with the proper use and management of the State forest land or who leaves a carcass of an animal or parts thereof, including offal, in any river, stream bed, lake, or watercourse or in the vicinity of any hut, camp site, or track in any State forest land."

- “(o) Without lawful authority engages in any commercial business, practices any trade, or offers or undertakes any service for payment of a fee or other reward on any State forest land:
- “(p) Fails to leave any State forest land when ordered to do so by a Forest Officer, whether or not that person has a permit or other authority to be on any particular State forest land, where the Forest Officer, in the exercise of his duty, has reason to believe that the actions or behaviour of the person concerned are or may be prejudicial to forest management or public safety, or likely to insult, offend, or annoy the public within the limits of any State forest land:
- “(q) Without lawful authority, takes, removes, damages, or interferes with any precious or semi-precious stone, petrified wood, stalactite or stalagmite, forest produce, Maori artifact, human remains, historical or cultural structure or site, animal, or fossil.”

15. General penalty for offences—Section 61 of the principal Act (as amended by section 7 of the Decimal Currency Act 1964) is hereby amended—

- (a) By omitting from paragraph (a) the expression “\$200”, and substituting the expression “\$500”:
- (b) By omitting from paragraph (a) the expression “\$20”, and substituting the expression “\$50”:
- (c) By omitting from paragraph (b) the expression “\$1,000”, and substituting the expression “\$3,000”:
- (d) By omitting from paragraph (b) the expression “\$100”, and substituting the expression “\$300”.

16. Limitation of proceedings—Section 63 of the principal Act is hereby amended by omitting the words “for an offence constituted by this Part of this Act”, and substituting the words “in respect of any offence committed against this Act”.

17. New Part IIA (relating to use of State forest land for public recreation) substituted—(1) The principal Act is hereby further amended by repealing Part IIA (as inserted by section 5 of the Forests Amendment Act 1965), and substituting the following Part:

"PART IIA

"USE OF STATE FOREST LAND FOR PUBLIC RECREATION

"63A. **Recreation areas**—The Minister may from time to time, by notice in the *Gazette*,—

5 "(a) Set apart any area or areas of State forest land as a recreation area for the purpose of public recreation:

"(b) Cancel or vary any such setting apart:

10 "(c) Consistently with this Act and any regulations made thereunder, regulate the conduct of any recreation area and the rights of the public to enter and use any recreation area, and prescribe the circumstances in which the public may be excluded from any recreation area.

15 "63B. **Establishment of State forest parks**—(1) For the purpose of facilitating public recreation and the enjoyment by the public of any area of State forest land in conjunction with the other purposes for which it is managed, the Governor-General may from time to time, by Proclamation, set apart
20 any area of State forest land as a State forest park or part of a State forest park.

"(2) The Governor-General may from time to time, by Order in Council, declare that any area of State forest park shall cease to be a State forest park or part of a State forest
25 park; but no such area shall cease to be State forest land by reason only of such a declaration and nothing in this subsection shall affect section 19 (1) of this Act.

"(3) Where a committee is constituted under section 63F of this Act in respect of any State forest park, it may advise
30 the Minister on the management (*and administration*) of the State forest park (*in so far as it affects recreational use*).

"63C. **Management plans for State forest parks**—(1) Where there is no current management plan for any area set apart as a State forest park or part of a State forest park, the
35 Director-General shall, within one year of the date of the setting apart, cause a management plan for the area to be prepared in accordance with section 26 of this Act.

"(2) As soon as practicable after the Director-General has prepared (a) any management plan for any State forest park
40 or any part thereof, he shall—

"(a) Cause a copy thereof to be sent to any committee which has been constituted in respect of the State forest park for its consideration and report; and

“(b) Following consideration thereof by any such committee or where there is no committee,—

“(i) Cause a copy **(thereof) of the management plan** to be deposited in some convenient place for public inspection; and

“(ii) Cause a notice to be published in the *Gazette* and in some newspaper circulating in the district and at least once in each of 4 daily newspapers, one of which shall be published in Auckland, one in Wellington, one in Christchurch, and one in Dunedin stating where and at what times the copy of the management plan is open for inspection, and calling on any person or organisation to set forth in writing any objections to the **management plan (in so far as it affects recreation)** and the grounds for the objections, and to send the written objections to the Minister within 3 months after the date of the first publication of the notice.

“(3) Before the Minister approves any such management plan in accordance with section 26 (4) of this Act, he shall give full consideration to all objections in respect thereof that are duly made under this section.

“63D. **Open indigenous State forests**—(1) The Minister may from time to time, by notice in the *Gazette*, set apart any area of indigenous State forest land, not being the whole or part of any State forest park, as open indigenous State forest land in order to allow the public to have freedom of entry and access to the area for such purposes as may be prescribed in the notice in conjunction with the other purposes for which the area is managed.

“(2) The Minister may at any time, by notice in the *Gazette*, cancel or vary any such setting apart, or vary the purposes in respect of which the public have freedom of entry and access.

“(3) Instead of giving notice under subsection (1) of this section in respect of the setting apart of indigenous State forest land as open indigenous State forest land, the Minister may give such notice under section 15 (1) (ba) of this Act, and in any such case the provisions of that section shall, with any necessary modifications, apply accordingly.

“63E. **Wilderness areas**—(1) On the recommendation of the Minister, the Governor-General may from time to time, by Order in Council, set apart any area of indigenous State forest land as a wilderness area, and may, in like manner, vary or revoke any such Order in Council.

“(2) While any area is set apart as a wilderness area,—

“(a) It shall be kept and maintained in, or allowed to revert to, a state of nature:

“(b) No buildings of any description or ski tows or other apparatus shall be erected or constructed thereon:

“(c) No animals or vehicles of any description shall be allowed to be taken onto or used on the area:

“(d) No roads, tracks, or trails shall be constructed on the area (*except foot tracks for the use of persons entering the area on foot*).

“(3) Notwithstanding subsection (2) of this section, the Minister may authorise such works or facilities as he considers desirable or necessary to be erected, constructed, or used on any area for the purpose of attaining or maintaining the natural state of the area.

“(4) Subject to this Act and to the imposition of such conditions and restrictions as may be necessary for the preservation of the native flora and fauna or for the welfare in general of wilderness areas, the public shall have freedom of entry and access to wilderness areas.

New

“(5) Before the Minister recommends to the Governor-General that any Order in Council setting apart any area of indigenous State forest land as a wilderness area be varied or revoked he shall cause a notice to be published in some newspaper circulating in the district and at least once in each of 4 daily newspapers, one of which shall be published in Auckland, one in Wellington, one in Christchurch, and one in Dunedin of his intention to make the said recommendation and calling on any person or organisation to set forth in writing any objections to the recommendation and the grounds for the objections, and to send the written objections to the Minister within 3 months after the date of the first publication of the notice. The Minister shall give full consideration to all such objections that are duly made under this subsection.”

“63F. **Regulations as to use of State forest land for public recreation**—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- “(a) Regulating the conduct of any recreation area or any State forest park, or any open indigenous State forest land, or any wilderness area, and the rights of the public to enter and use any such land and prescribing the circumstances in which the public may be excluded therefrom: 5
- “(b) Constituting, or providing for the constitution, appointment, or election of a committee to advise the Minister on (*recreational aspects*) the management of any State forest park or State forest parks, and defining the functions of any such committee. 10
- “(2) Regulations under this section may be so made as to apply to—
- “(a) All classes of land set apart under this Part of this Act, or to any class or classes of such land, or to any specified land so set apart, or to all classes of land so set apart except any specified land: 15
- “(b) All committees constituted under this section, or to any committee or committees so constituted. 20
- “(3) While no regulations under subsection (1) (a) of this section are in force, or in any case or cases where any such regulations do not apply, the matters referred to in that subsection may be prescribed by the Minister.
- “63G. **Offences**—Every person commits an offence against this Act and is liable on summary conviction to a fine not exceeding \$300 who— 25
- “(a) Enters any recreation area or State forest park or open indigenous State forest land or wilderness area in contravention of any regulations or notice made or given under this Part of this Act; or 30
- “(b) Otherwise acts in contravention of or fails to comply with any such regulations or notice.
- “63H. **Application of other Parts of this Act**—Except as otherwise provided in this Act or in any regulations made or notice given under this Act, all the provisions of the other Parts of this Act and of any regulations made or notices given thereunder relating to State forest land shall apply to every area set apart under this Part of this Act as if it were not set apart.” 40

(2) The following enactments are hereby consequentially repealed:

(a) Section 5 of the Forests Amendment Act 1965:

5 (b) Subsections (3) (e) and (4) (c) of section 4 of the Forests Amendment Act 1973.

18. Regulations as to control and eradication of diseases affecting trees, etc.—(1) Section 70 (2) (d) of the principal Act is hereby amended by inserting, after the words “stored or stacked”, the words “or used in the construction of any
10 buildings, fences, poles, or other structures”.

(2) Section 70 (2) of the principal Act is hereby further amended by adding, after paragraph (d) (as amended by subsection (1) of this section), the following paragraph:

15 “(e) Authorising Forest Officers at all reasonable times to enter any dwelling house, building, land, or other premises and inspect the same, and, with the assistance of such workmen as are necessary, take such measures and execute such works as may be authorised under this Act:

20 “Provided that the power of entry conferred hereby shall not be exercised except by arrangement with the occupier of the premises or after 48 hours’ notice of the intention to enter the premises has been given”.

25 (3) Section 70 of the principal Act is hereby further amended by adding, after subsection (2) (as amended by subsections (1) and (2) of this subsection), the following subsection:

30 “(2A) While no regulations under subsection (2) of this section are in force, or in any case or cases where any such regulations do not apply, the matters referred to in that subsection may be prescribed by the Minister.”

(4) Section 70 of the principal Act is hereby further amended by adding, after subsection (3), the following
35 subsection:

“ (4) For the purpose of this section the expression ‘forest products’ includes any thing made, manufactured, or produced, in whole or in part, from any forest product.”

(5) The following enactments are hereby consequentially
40 repealed:

- (a) The Termites Act 1940:
- (b) The Termites Amendment Act (1964) 1964.
- (c) The Termites Amendment Act (1965) 1965.
- (6) The following Orders in Council are hereby revoked:
 - (a) The Termites Regulations 1940: 5
 - (b) The Termites Regulations 1940, Amendment No. 1:
 - (c) The Termites Regulations 1940, Amendment No. 2:
 - (d) The Termites Regulations 1940, Amendment No. 3:
 - (e) The Termites Act (Application) Order 1940:
 - (f) The Termites Act (Application) Order 1941: 10
 - (g) The Termites Act Application Order 1956:
 - (h) The Termites Act Application Order 1966.

19. Compensation for destruction of diseased trees—

(1) The principal Act is hereby further amended by inserting, after section 70, the following section: 15

“70A. (1) The Minister may pay, out of money appropriated by Parliament for the purpose, to the owner of trees destroyed pursuant to this Act for the purpose of eradicating or preventing the spread of any disease an amount by way of compensation equal to the fair value thereof as at the time of the inspection that results in the destruction thereof. 20

“(2) Such compensation shall be ascertained in the case of dispute by 2 assessors, one to be appointed by the Director-General and one by the owner, with power to the 2 assessors to appoint an umpire.

“(3) The decision of the 2 assessors or the umpire shall be 25 final.”

(2) Section 70 (3) of the principal Act (as substituted by section 6 of the Forests Amendment Act 1967) is hereby amended by inserting, after the words “this section”, the words “and section 70A of this Act”. 30